

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.907 of 2025

In
Civil Writ Jurisdiction Case No.21037 of 2018

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Surendra Kumar Sinha @ Surendra Singh S/o Late Rambali Singh, Resident of Village - Rupash Tola (Cheedi Singh Ka Tola), P.O. and P.S. - Athmalgola, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, SC/ST Welfare Department, Patna (Bihar)
3. The Deputy Director, Welfare Division, Patna-1 (Bihar)
4. The Collector, Patna (Bihar)
5. The District Welfare Officer, Patna.
6. The Sub-Divisional Welfare Officer, Barh, Patna.
7. The Treasury Officer, Patna.
8. The Sub-Treasury Officer, Barh, Patna.
9. The Accountant General, Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Adv.
For the Opposite Party/s : Dr. Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-05-2025 The present petition has been filed for restoration of a writ petition bearing C.W.J.C. No. 21037 of 2018, which has stood dismissed for non-prosecution, vide order dated 21.06.2022.

2. The learned counsel for the petitioner submits that the restoration petition bearing MJC No. 907 of 2025 has been filed after taking 'No Objection Certificate' from the earlier counsel namely Sri Munna Prasad Singh. It is also submitted that though



the original writ petitioner died on 09.12.2021, however, the then counsel neither filed any substitution petition to substitute the legal heirs of the original writ petitioner nor he had appeared on the day the aforesaid writ petition, i.e. CWJC No. 21037 of 2018, was called out for hearing resulting in dismissal of the said writ petition for non-prosecution. Thus, it is submitted that after the widow of the deceased original writ petitioner came to know about the dismissal of the writ writ petition, she approached the present counsel and then steps have been taken to file the instant restoration petition and alongwith the same an I.A. was filed for granting leave to the petitioner, who is widow and the legal heir of the deceased original writ petitioner, to prosecute the present restoration petition.

3. This Court finds that vide order dated 25.4.2021, the petitioner herein has already been granted leave to prosecute the present restoration petition, hence considering the submissions made by the petitioner as also taking into account the averments made in the present petition, as aforesaid, I deem it fit and proper to direct for restoration of the aforesaid writ petition bearing CWJC No. 21037 of 2018 to its original file, subject to filing of substitution petition in the said writ petition within a period of four weeks from today.



4. Accordingly, the present restoration petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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